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July 2, 1974?

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David Hird, Esq.
U. S. Department of Justice
Land and Natural Resources Division
Environmental Enforcement Section
Room 1260
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear David:

I am enclosing herewith a copy of a proposed amended Engineering and Construction Schedule that has been prepared by the BWC Engineering Department, together with a form of Stipulation for Modification of Consent Decree. Basically, this amended schedule changes that presently contained in the Consent Decree in the following respects:

- 1) completion dates prior to July 9, 1984 (except for the awarding of contracts and the commencement of construction) have been changed to "by date of Consent Decree";*
- 2) the date for the awarding of contracts has been changed to July 13, 1984;
- 3) the date for commencement of construction has been changed to 30 days after entry of the Consent Decree and issuance of local permits; and
- 4) all other interim dates between the awarding of contracts and the completion of final grading have in effect been deleted by changing them all to November 15, 1984.

These changes are needed because the original dates were established when we all thought the Consent Decree would be lodged with the Court in early April and entered by mid-May. The interim dates referred to in paragraph 3, above, were deleted

David Hird, Esq.

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July 2, 1984

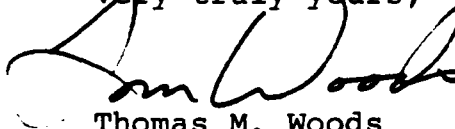
because the BWC Engineering Department requires total flexibility to determine the sequence and timing of construction because of the late starting date. There still remain three events in 1984 that are subject to stipulated penalties, and only one - the date for the awarding of contracts - is changed by this amendment.

This amended schedule is based on the assumption that the Court will enter the Consent Decree on July 9. If it is not entered on that date, the schedule would again have to be reexamined.

It is my suggestion that these changes in the Consent Decree be accomplished by a simple stipulation and order. I assume that the only signatures that would be required on the stipulation are those of Beth Valentine, Geneva Halliday and myself.

Inasmuch as there should be agreement on these amended dates prior to entry of the Consent Decree, I would appreciate your calling me as soon as you have had an opportunity to review the enclosed amended schedule.

Very truly yours,



Thomas M. Woods

/ct

cc (w/Enclosure):

Honorable Ralph B. Guy, Jr.

Geneva Halliday

Elizabeth Valentine (Via Federal Express)

Pamela Rekar (Via Federal Express) ✓

Helen Keplinger (Via Federal Express)

* While these items have already been completed, the final design and bid packages included an erosion control plan that has been submitted to the City of Riverview as part of an application for a permit under the Michigan Soil Erosion and Sedimentation Control Act. Should the City require a change in the control plan, the design and the bid packages would have to be modified. However, I have been advised by the Riverview City Attorney that it is his understanding that the control plan meets the requirements of the Act, and that the permit will be issued when the Consent Decree is entered by the Court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

FRANK J. KELLEY, Attorney General
for the State of Michigan, FRANK J.
KELLEY, ex rel. MICHIGAN NATURAL
RESOURCES COMMISSION, MICHIGAN
WATER RESOURCES COMMISSION, and
RONALD SKOOG, Director of the
Michigan Department of Natural
Resources,

Civil Action No. 80-73699

Judge Ralph B. Guy, Jr.

Intervenor-Plaintiffs,

-vs-

BASF WYANDOTTE CORPORATION and
FEDERAL MARINE TERMINALS, INC.,

Defendants.

STIPULATION FOR MODIFICATION
OF CONSENT DECREE

The parties, the United States of America, for the Administrator of the United States Environmental Protection Agency, Frank J. Kelley, Attorney General for the State of Michigan, Frank J. Kelley, ex rel. Michigan Natural Resources Commission, Michigan Water Resources Commission, and the Director of the Michigan Department of Natural Resources and BASF Wyandotte Corporation, by their respective attorneys, hereby stipulate to the modification of the Consent Decree heretofore

entered by the Court, said modification being to the Engineering and Construction Schedules as set forth in Appendix E to the Consent Decree, and that the revised Appendix E attached to this Stipulation be substituted in lieu of that presently in the Consent Decree.

LEONARD R. GILMAN
United States Attorney
Eastern District of Michigan

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APPENDIX E

ENGINEERING AND CONSTRUCTION SCHEDULES

<u>Activity</u>	<u>Scheduled Completion Date</u>	<u>Consent Decree Section</u>
Maintenance of lock on entrance gate	From date of Consent Decree	V.A.2. (c)
Maintenance of existing fencing	From date of Consent Decree	V.A.2. (a)
Installation of warning signs	30 days from date of Consent Decree	V.A.2. (d)
Completion of final design of Site Modification Program	By date of Consent Decree	V.A.1. (a)
Completion of bid packages and solicitation of bids	By date of Consent Decree	V.A.1. (b)
Awarding of contracts for construction of Site Modification Program	July 13, 1984	V.A.1. (c)
Commencement of construction of Site Modification Program	Within 30 days of entry of Consent Decree and issuance of local permits	V.A.1. (d)
Installation of temporary fencing along Trenton Channel	November 15, 1984	V.A.2. (b)
Completion of initial site grading	November 15, 1984	V.A.5.
Removal and disposal of surface water	November 15, 1984	V.A.4.
Construction of berm	November 15, 1984	V.A.6.
Accomplishment of shoreline stability measures	November 15, 1984	V.A.3.
Construction of compacted clay cover	November 15, 1984	V.A.7.

Construction of drainage system	November 15, 1984	V.A.8.
Installation of permanent fencing	November 15, 1984	V.A.2.(f)
Application of topsoil	November 15, 1984	V.A.9.(b)
Completion of final grading	November 15, 1984	V.A.9.(a)
Planting of shallow- rooted vegetation	November 15, 1984	V.A.9.(c)
Installation of monitor wells	March 1, 1985	V.B.1.
Commencement of sampling and analysis program	June 15, 1985	V.B.2.
Certification by BWC of completion of Site Modification Program and installation of monitor wells	July 1, 1985	V.D.